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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,150	08/05/2002	Gregory S. Keller	10592-023US1	9420
26211	7590	07/07/2009		
FISH & RICHARDSON P.C.				
P.O. BOX 1022				
MINNEAPOLIS, MN 55440-1022				
EXAMINER				
AZPURU, CARLOS A				
ART UNIT		PAPER NUMBER		
1615				
NOTIFICATION DATE		DELIVERY MODE		
07/07/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.	Applicant(s)	
09/980,150	KELLER ET AL.	
Examiner	Art Unit	
Carlos A. Azpuru	1615	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 19 June 2009 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Applicant's arguments concerning the rejection under 35 USC 102(b) over DE 197 16 098 is persuasive and this rejection is withdrawn. The rejection under 35 USC 103(a) over Hansbrough et al. is maintained. While applicant centers the response on the keratinocytes included, the reference also discusses the inclusion of fibroblasts in the composition disclosed. These arguments do not address any unusual and/or unexpected showing over the method used by the reference.

/Carlos A. Azpuru/  
Primary Examiner, Art Unit 1615